

**REMARKS**

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-29 were pending in the application, of which Claims 1, 12, 17, 19, and 21 are independent. In the Office Action dated July 16, 2003, Claims 1, 2, 5-13, 15-22, and 24-29 were rejected under 35 U.S.C. §102(e) and Claims 3-4, 14, and 23 were rejected under 35 U.S.C. §103(a). Following this response, Claims 1-29 remain in this application. Applicants hereby address the Examiner's rejections in turn.

I. Rejection of the Claims Under 35 U.S.C. § 102(e)

In the Office Action dated July 16, 2003, the Examiner rejected Claims 1, 2, 5-13, 15-22, and 24-29 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,032,136 ("*Brake*"). Applicants respectfully traverse the rejection of Claims 17 and 19 because *Brake* would not have led to the claimed invention. Claims 17 and 19 have been amended to place them in better form for consideration and Applicants respectfully submit that they add no new matter. Claims 1, 12, and 21 have also been amended, and Applicants respectfully submit that the amendments overcome this rejection and add no new matter. Support for the amendments to Claims 1, 12, and 21 can at least be found on page 12, lines 1 through 9 of the present application.

In more detail, amended independent Claims 1, 12, 17, 19, and 21 are patentably distinguishable over the cited art. For example, Claim 1 recites a method for providing a credit card product. Next the method includes sending an applicant a credit card that has not been activated and requiring the applicant to answer at least a first risk-splitting

question and a second risk-splitting question, the second risk splitting question being based on a reply to the first risk splitting question. Then the method includes determining a credit limit for the applicant based on the applicant's answers to the risk-splitting questions and activating the credit card with the credit limit.

In contrast, *Brake* at least does not disclose determining a credit limit for the applicant based on the applicant's answers to the risk-splitting questions. Nor does *Brake* disclose requiring the applicant to answer at least a first risk-splitting question and a second risk-splitting question, where the second risk splitting question is based on a reply to the first risk splitting question. For example, *Brake* discloses a card that can have both a transaction and a credit function. In *Brake*, if the customer agrees to a credit check, the system connects to a credit card authorization process. If the credit card authorization process is down, the system activates the transaction function only and instructs the customer to call back later. If a credit bureau is up and running, however, the system performs the credit check. If the applicant is not approved in the credit check, the customer is offered the transaction function only. If the customer is approved, the system automatically returns a credit line based upon the credit check. (See Col. 9, line 61 through Col. 10, line 7.) In *Brake*, determining a credit limit for the applicant based on the applicant's answers to the risk-splitting questions does not happen. Instead, a credit line is established based solely upon the credit check performed through a credit bureau. Moreover, nowhere in *Brake* does it disclose requiring the applicant to answer at least a first risk-splitting question and a second risk-splitting question, where the second risk splitting question is based on a reply to the first risk splitting question.

*Brake* would not have led to the claimed invention because *Brake* at least does not disclose determining a credit limit for the applicant based on the applicant's answers to the risk-splitting questions, as recited by amended Claim 1. Independent Claims 12, 17, 19, and 21 each include a similar recitation. Accordingly, independent Claims 1, 12, 17, 19, and 21 patentably distinguish the present invention over the cited art, and Applicants respectfully request withdrawal of the rejection of Claims 1, 12, 17, 19, and 21.

Dependent Claims 2-11, 13-16, 18, 20, and 22-29 are also allowable at least for the reasons above regarding independent Claims 1, 12, 17, 19, and 21, and by virtue of their respective dependencies upon independent Claims 1, 12, 17, 19, and 21. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 2-11, 13-16, 18, 20, and 22-29.

## II. Conclusion

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability.

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: October 16, 2003

By: 

D. Kent Stier  
Reg. No. 50,640  
(404) 653-6559

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com